

**REMARKS**

After entry of the above amendments, the claims pending in the subject application are 1-15, 17-34, 36, and 39. Reconsideration of this application based on the Amendments and Remarks presented herein is respectfully requested.

An information disclosure statement was filed with the present application. Applicant has not received initialed copies of the PTO-1449 forms that were submitted with the information disclosure statement. Please provide the initialed copies.

**RESTRICTION REQUIREMENT**

Restriction was required to one of the following groups under 35 U.S.C. §121:

Group	Claims	Description
I	1-11, 14, 15, 17-28, 33, 34, 36, and 39	aqueous coating
II	12, 13, 29-32	method of applying the coating
III	16, 35, 37, 38, 40, and 41	article

The above grouping of claims has been amended. Upon review, claim 39 is not an article claim and should be included in Group I. Claim 39 is similar to claim 15.

Applicant elects Group I, claims 1, 11, 14, 15, 17-28, 33, 34, 36, and 39, with traverse subject to the Rejoinder provisions of MPEP 821.04. Claims 12, 13, and 29-32 are a method of using the compositions of claims 1-3, and they are subject to rejoinder under MPEP 821.04. Claims 16, 35, 37, 38, 40, and 41 of Group III have been canceled.

**35 U.S.C. §112 REJECTIONS**

Claims 1-5, 14, 15, 17, 18, 19, and 36 were rejected under 35 U.S.C. §112, second paragraph.

Claims 1-3, 5, and 19 recited "substantially water free". Claims 1-3, 5, and 19 has been amended to recite that the water content is less than 5% by weight (see page 14, line 25). It is respectfully submitted that claims 1-3, 5, and 19 are not indefinite.

Claims 1-3 recite the phrase "at least one binder, wherein the binder is optionally water-soluble or water-dispersible". This phrase refers to any binder. The binder can optionally be water-soluble or the binder can optionally be water-dispersible. The use of the term "optionally" is permitted (MPEP 2173.05(h)). Because any binder can be used, it is respectfully submitted that claims 1-3 are not indefinite.

Claim 14 is a claim to a coating made from the coating composition. In a coating process, a coating composition is applied to a substrate and a coating is formed. It is respectfully submitted that claim 14 is not indefinite.

In claims 15 and 36, the terms "a color coating system" and "an effect coating system" are used. These terms refer to the inclusion of color pigments and/or effect pigments in the coating. When a color pigment is included, the coating system is a color coating system. When an effect pigment is included, the coating system is an effect coating system. It is respectfully submitted that claims 15 and 16 are not indefinite.

In claims 17 and 18, the phrase "imparts one of i) effect or ii) color and effect" is used. This refers to the inclusion of effect pigments or color pigments and effect pigments in the base color. It is respectfully submitted that claims 17 and 18 are not indefinite.

### 35 U.S.C. §103 REJECTIONS

Claims 1-11, 14, 15, 17-28, 33, 34, and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,403,701 to Reusmann et al. in view of EP1182513.

The present application was filed as PCT International Application PCT/EP00/03355 on 13 April 2000. EP1182513 did not publish until 27 February 2002. Also, the priority application for EP1182513 was JP2000-254314, which was filed on 24 August 2000. All of these dates are after the international filing date of the present application. Therefore, EP1182513 is not available as a reference against the present application.

In view of the amendments and remarks contained above, Applicant respectfully requests reconsideration of the application, withdrawal of the 35 USC §103 and §112 rejections, and requests that a Formal Notice of Allowance be issued for claims 1-15, 17-34, 36, and 39. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

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